

REMARKS

This paper provides additional reasons why claims 2-16 and 19-20 of Massetti et al., U.S. Patent No. 5,974,299 (“Massetti patent”) are not novel or unobvious over the independent claims from which they depend. Specifically, the table below provides examples of prior-art disclosures of the limitations of each of the dependent claims of the Massetti patent. Accordingly, the references listed in the table below support the conclusion that the Massetti dependent claims recite the same patentable invention as recited by Massetti independent claims 1, 17, and 18. *See* 37 C.F.R. § 1.602(n) (stating that invention “A” is the same patentable invention as invention “B” if, assuming invention “B” is prior art with respect to invention “A,” invention “A” is the same as or obvious in view of invention “B”). Consequently, the dependent claims also correspond to proposed Count A, provided in Appendix A of the February 15, 2000, Amendment.

Massetti Claim Nos.	Claim Limitation	Reference
2, 19	a multiplexed digital transmission is received separately by a receiver and a meter	McKenna, U.S. Patent No. 4,816,904, in Fig. 1 and in col. 5, lines. 30-33, discloses a receiver 19 and a meter 21 which receive separately a transmission.

Massetti Claim Nos.	Claim Limitation	Reference
2, 19	when the receiver is turned on and when the channel that the receiver is tuned to is changed, the meter compares digital streams of the channel that the receiver is tuned to, to digital streams of each of channels in the multiplexed digital transmission, until it finds a match and extracts at least one identification code for at least one digital stream of the channel from the control stream, and records the identification code along with the time	Lu, in U.S. Patent No. 5,594,934, Figs. 5 and 6; col. 2, lines 59-63; col. 3, lines 45-49; and col. 12, lines 37 to col. 13, line 65, shows real time correlation in which a meter 158 compares an audio stream 246 of a channel that a receiver is tuned to, to audio streams 240 of each of the channels in a multiplexed audio transmission, until it finds a match and extracts at least one identification code (i.e., channel) for at least one audio stream of the channel, and records the identification code along with the time at 162.
2, 8, 19	when reception by the receiver is ended, the meter records the time	Massetti independent claims (last limitation)
3, 11, 20	a plurality of multiplexed transmissions can be received at different frequencies	(inherent in Massetti independent claims)

Massetti Claim Nos.	Claim Limitation	Reference
3, 11, 20	when the receiver is turned on, the meter records a first frequency received, and the time reception of the first frequency begins, and when the frequency received is changed, the meter records any subsequent frequency received, and the time reception of the subsequent frequency begins	The meter 158 shown in Figs. 5 and 6 of the Lu '934 patent notes the channel (i.e., frequency) and time each time the channel (i.e., frequency) changes. Therefore, this patent discloses a meter which, when the receiver is turned on, records a first received frequency and the time that reception of the first frequency begins and which, when the received frequency is changed, records any subsequent received frequency and the time that reception of the subsequent frequency begins.
4, 12	the multiplexed digital transmission is transmitted by electromagnetic radiation	It is well known that multiplexed digital transmissions to television and radio receivers are effected by electromagnetic radiation.
5, 13	the multiplexed digital transmission is transmitted by electricity	It is well known that multiplexed digital transmissions to television and radio receivers are effected by electricity.
6, 14	data recorded by the meter are stored in a memory unit of the meter	As shown in Figs. 3, 5, and 6 of the Lu '934 patent, the data recorded by the meter 158 is stored in a memory unit 164.
7, 15	data recorded by the meter are transmitted to a computer	See, for example, Lu '934 at Figs. 3, 5, and 6 and column 12, lines 62-64.

Massetti Claim Nos.	Claim Limitation	Reference
8, 16	when the receiver is turned on, and when the channel that the receiver is tuned to is changed, an elementary stream is extracted from the multiplexed digital transmission, the elementary stream is passed to a meter, the meter extracts at least one identification code from the elementary stream, and the meter records the identification code along with the time.	The Lu '934 patent discloses that a reference processing system 38 transmits a multiplexed transmission. A receiver 16/106/108/110/104 (Figure 6) extracts an elementary stream from the multiplexed stream and supplies the elementary stream to a meter 158. The meter 158 extracts an identification code (i.e., a channel code) from the elementary stream.
9	the control stream is accessed by the meter through an auxiliary connector in a digital decoder	Accessing the control stream by the meter through the use of an auxiliary connector in a digital decoder would have been obvious. <i>See, e.g.,</i> McKenna, Figs. 1, 2.
10	the control stream is accessed by the meter through an access control card connector	(obvious to use any known connector)

Each of the Massetti dependent claims is obvious over the Massetti independent claims and the prior art, as shown by the table above.

Lu et al., U.S. Patent No. 5,594,934, discloses a real time correlation meter 12-1 (see Figs. 1, 3), which is used to identify a program being received by a tunable receiver (such as a television or radio receiver). The correlation meter 12-1 includes a reference side processing system 38, which captures elementary snippets or samples of each broadcast channel to be monitored. The correlation meter 12-1 also includes a digital signal processor 104 (Fig. 3), which compares samples of the output of the

monitored receiver (e.g., television set) to the reference elementary samples captured by the reference side 38, until a match is obtained, after which the date, time, and channel being received are recorded (see Fig. 5).

McKenna, U.S. Patent No. 4,816,904, Fig. 1, discloses a television and market research data collection system in which a signal from a cable television system is separately received by a television (through a cable converter 19) and a meter.

The Massetti independent claims disclose a system and apparatus for rating audiences for digital television and radio, which is the identical use as the Lu '934 and McKenna '904 systems, except that the system of the Massetti independent claims is designed for digital broadcasting rather than for analogue broadcasting. Because the systems disclosed in Lu '934 and McKenna '904 were well known at the time the Massetti application was filed, and because they fall within the same technical field as the Massetti independent claims (both references are classified in the same class and subclass as the Massetti application, and Lu '934 is of record in the Massetti application), combining the disclosures of Lu '934 and McKenna '904 with the Massetti independent claims would be obvious to a person of ordinary skill in the art.

Separately receiving a multiplexed digital signal by a receiver and a meter (Massetti claims 2 and 19) is suggested, for example, by McKenna '904, Fig. 1, which shows a signal from a cable television system being separately fed to a receiver (cable converter 19) and a meter (data collection unit 21). The Lu '934 patent, in Figs. 5 and 6 and in column 12, lines 38-61, further discloses that a meter can (i) compare the signal stream of a channel that a receiver is tuned to, to the signal streams of each of the channels in a multiplexed signal transmission, until it finds a match, (ii) extract at least one identification code in the form of a channel code for at least one signal

stream of the channel, and (iii) record the identification code along with the time. Massetti claims 2 and 19 recite the same patentable invention as the Massetti independent claims because, if the Massetti independent claims, the McKenna '904 patent, and the Lu '934 patent are combined as discussed above, the combination would include the limitations of claims 2 and 19 as shown by the table above.

The limitation that, when reception by the receiver is ended, the meter records the time (Massetti claims 2, 8, and 19) is disclosed in the Massetti independent claims (last limitation), as noted in the table above.

The limitation that a plurality of multiplexed transmissions can be received at different frequencies (Massetti claims 3, 11, and 20) is inherent in the Massetti independent claims, which recite first and second channels being received in a multiplexed digital transmission. The limitation that a meter records first and subsequent frequencies received, and the time reception of each begins (Massetti claims 3, 11, and 20) is disclosed, for example, in Lu '934 at Fig. 5, block 162 ("store date, time, and channel"). Indeed, any meter must operate in this fashion. Massetti claims 3, 11, and 20 recite the same patentable invention as the Massetti independent claims because, if the Massetti independent claims and the Lu '934 patent are combined as discussed above, the combination would include the limitations of claims 3, 11, and 20 as shown by the table above.

The limitations that a multiplexed digital transmission is transmitted by electromagnetic radiation (Massetti claims 4 and 12) and by electricity (Massetti claims 5 and 13) are well known as noted in the table above. Accordingly, Massetti claims 4, 5, 12, and 13 recite the same patentable invention as the Massetti independent claims.

The limitation that data recorded are stored in a memory unit of the meter (Massetti claims 6 and 14) is disclosed, for example, in Lu '934 at Figs. 3, 5, and 6. Massetti claims 6 and 14 recite the same patentable invention as the Massetti independent claims because, if the Massetti independent claims and the Lu '934 patent are combined as discussed above, the combination would include the limitations of claims 6 and 14 as shown by the table above.

The limitation that data recorded by the meter are transmitted to a computer (Massetti claims 7 and 15) is disclosed, for example, in Lu '934 at Figs. 3, 5, and 6 and column 12, lines 62-64. Massetti claims 7 and 15 recite the same patentable invention as the Massetti independent claims because, if the Massetti independent claims and the Lu '934 patent are combined as discussed above, the combination would include the limitations of claims 7 and 15 as shown by the table above.

As for Massetti claims 8 and 16, the Lu '934 patent discloses that a reference processing system 38 transmits a multiplexed transmission (Fig. 1). A receiver 16/106/108/110/104 extracts an elementary stream from the multiplexed stream and supplies the elementary stream to a meter 158 (Fig. 6). The meter 158 extracts an identification code (i.e., a channel code) from the elementary stream. These functions occur when the receiver is turned on and when the channel that the receiver is tuned to is changed (although these functions can also occur when the channel that the receiver is tuned to is not changed). Massetti claims 8 and 16 recite the same patentable invention as the Massetti independent claims because, if the Massetti independent claims and the Lu '934 patent are combined as discussed above, the combination would include the limitations of claims 8 and 16 as shown above.

It is noted that a cable or a satellite system which distributes television

programs by use of frequency multiplexing is well known. As shown, for example, in McKenna '904, Fig. 1, a cable converter typically extracts a tuned channel in the form of an elementary stream from the frequency multiplexed stream and supplies the extracted elementary stream to a television. As is also well known, codes are often embedded in a television signal (see, for example, Thomas, U.S. Patent 5,526,427). Therefore, the meter 21 of the McKenna '904 patent could obviously be arranged to receive elementary streams and to read such codes from the elementary stream (see the meter in the form of a decoder disclosed in the Thomas '427 patent). Massetti claims 8 and 16 recite the same patentable invention as the Massetti independent claims because, if the Massetti independent claims and the McKenna '904 patent are combined as discussed above, the combination would include the limitations of claims 8 and 16 as shown above.

The limitation that the control stream is accessed by the meter through an auxiliary connector in a digital decoder (Massetti claim 9) is obvious because using auxiliary connectors to interconnect various pieces of electronic equipment is well known. Using connectors is suggested, for example, by McKenna '904, Figs. 1 and 2, which show a television, a cable converter, and a meter interconnected by various electrical lines. Massetti claim 9 recites the same patentable invention as the Massetti independent claims because, if the Massetti independent claims and the McKenna '904 patent are combined as discussed above, the combination would include the limitations of claim 9 as shown by the table above.

The limitation that the control stream is accessed by the meter through an access control card (Massetti claim 10) is obvious over the Massetti independent claims because, as noted above, using a connector is obvious, and therefore use of any

known connector, such as an access control card connector, is also obvious.

CONCLUSION

For the foregoing reasons, in addition to the reasons stated in the February 15, 2000 Amendment, the Applicants respectfully request declaration of an interference between the present application and Massetti, U.S. Patent No. 5,974,299.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN

By

Michael R. Weiner

Michael R. Weiner
Reg. No. 38,359
Attorneys for Applicants
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300

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